IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the May 24th, 2006

Criminal Misc. Bail Application No. 447 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Smt. Gangesh W/o Sri Manmohan
R/o Kasba, Jwalapur, Peeth Bazar
P.S. Jwalapur
District Haridwar ..….Applicant

Versus

State of Uttaranchal …..Opposite Party

Arising out of case crime No.20 of 2006
Under Sections 8/20 NDPS Act
P.S. Maneri
District Uttarkashi

Hon'ble J. C. S. Rawat, J.

Heard Sri Vivek Shukla learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. As per the prosecution story, about 1 kg of charas (Contraband material) was recovered from the possession of the applicant. It was contended on behalf of the applicant that the charas recovered from the possession of applicant was not weighed at the time of recovery and as such it cannot be said that it is one kilogram or below. Learned counsel for the applicant further contended that the presumption should be drawn in favour of the applicant that it may be less than one kilogram, which is not a commercial quantity. The applicant has no criminal history. From the fact, there are reasonable grounds for believing that the applicant-accused is not guilty of such offence and that he is not likely to commit any such offence while on bail. Considering the facts and totality of the circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(J.C.S. Rawat, J.)

Dated 24.05.2006

LSR